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# REPORT

OF THE

## CANADIAN LEGISLATIVE COMMITTEE.

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*To the General Executive Board of the Knights of Labor :*

On receipt of official notification of our appointment by the General Master Workman, your committee met for organization in the city of Toronto on the tenth of January last, when Brother Elliot was elected Chairman and Brother Benoit Secretary.

After discussing the course to be pursued during the approaching session of Parliament, it was agreed that it would be unnecessary for the whole committee to be at Ottawa, and, therefore, in the interest of economy, the Chairman was instructed to proceed to the Capital on the opening of Parliament and to remain there during the continuance of the session, with the understanding that, should anything arise which in his opinion rendered such action necessary, the full committee was to be called to meet at Ottawa, or at any other place which might be deemed advisable. The committee was unanimous in the opinion that at present practical rather than theoretical results were desired, and to that end it was agreed to seek practical legislation—a program which, as will be seen, we followed throughout.

When the business of the meeting had been concluded, by invitation of the Chairman of your committee, the Executive Board of the Dominion Trades and Labor Congress waited upon us at our hotel and discussed with us various matters upon which legislation was desired by their organization. Your committee offered their services to the Board so far as might be in their power, and proposed to transact any business for the Congress that they might desire in the matter of soliciting legislation or interviewing the heads of the different departments on matters pertaining to the interests of labor. The Board appeared to be satisfied as well as gratified at the proposition and thanked us for the offer. We then jointly discussed the program of the Congress and heartily agreed with the several items it contained, inasmuch as they were already embraced in the list of subjects drawn up by your committee. The Board left us with the impression that our offer had been accepted, and that the useless expenditure involved in the maintenance of two committees at the Capital would be saved. At a later date, however, the Board saw fit to authorize their President to look after their interests in the Parliamentary lobby, and at his request we lent him all the aid in our power, exerting our influence to secure for him interviews with ministers of the Crown and to obtain such public documents as he desired.

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Immediately after the adjournment of the first meeting of the committee, the Chairman—realizing that in order to obtain the passage of legislation of the nature sought by us it is necessary to previously interview ministers of the Crown and explain to them the purpose of the proposed measures that they may give them due consideration prior to the busy Parliamentary season and arrive at a definite conclusion upon them—wrote to Sir John A. Macdonald, and arranged an interview with him at the Queen's Hotel, Toronto, on January 15. Accordingly, at the appointed time, we called upon the right honorable gentleman and had a lengthened interview, in the course of which we learned that he was in favor of some of the reforms asked for, while to others he thought a little further consideration might be given. He stated, however, that it was hardly likely the government would do much in the way of introducing new labor legislation until the report of the Royal Labor Commission had been presented and considered. This Commission had been employed at a cost of about \$80,000 to inquire into the relations existing between labor and capital in the Dominion, and he believed they would present information of great value on the general questions on which legislation was desired. Sir John extended to the committee a cordial invitation to call upon him at any time we desired to do so, promising a hearing and due consideration to all matters we might wish to present.

On January 29 we proceeded to Ottawa in order to be present at the opening, and that no time might be lost in getting our work started. The first week we employed in forming the acquaintance of ministers and members, and in receiving and presenting petitions from different Assemblies on divers subjects.

On assuming our duties in the Parliamentary lobby, your committee deemed it in the interests of those whom we were serving that we should recognize existing facts in our Parliamentary system rather than to set up for ourselves an ideal system, and, having arrived at that conclusion, we set to work in the most practical way that suggested itself to our minds. Partyism in Canada divides the statesmen and politicians into two separate and distinct camps, both of which are ever on the alert to make capital for themselves by which they may strengthen their position with the electorate. There is never any difficulty in getting an opposition to support a measure in which a large number of people are interested, no matter by what name the party may be known. For the reason that they are anxious to obtain the votes of these people, and by that means improve their chances of getting hold of the reins of government and all that that implies, they are deeply interested in gaining the good-will of the promoters of the measure, and, having no governmental responsibility resting upon them, there is nothing to prevent them from following the course which their political interests dictate. The difficulty in Canada is always and almost of necessity with the party in power. Upon them devolves the responsibility for the enactment of laws and for the general well-being of the country, in so far as a Parliamentary majority or an administration may be able to control it. They, therefore, are slow to move. But if a majority of them can be induced to look favorably upon a labor measure, it is certain to carry, as the opposition dare not oppose it for fear of lessening their chances at the following elections.

Under these circumstances, and the opposition having already placed themselves on record as intending to vote for our measures, your committee thought it their duty to devote their energies to the Government or Liberal-Conservative party. But in doing so we studiously avoided doing anything that could give offense to the other political organization; the jealousy existing between them being so great that, were

it suspected by the government supporters that any one asking their assistance was leagued with the opposition, his prospects of achieving anything very satisfactory would be destroyed; and, on the other hand, did the opposition suspect that the person sought to do them political injury, they would drop him equally as quick. Knowing that this jealousy exists, the members of your committee scrupulously avoided attending any Liberal-Conservative caucuses in order that the grits might not take umbrage. So, also, did we avoid making the Liberal caucus-room our headquarters that the Tories might not be offended.

#### THE COMBINES BILL.

One of the first matters to which we devoted our attention was a measure known as the "Combines Bill."

During the preceding session, Mr. N. C. Wallace, the member for the West Riding of York, had moved for the appointment of a special committee of Parliament to inquire into the existence of alleged combinations in restraint of trade. Mr. Wallace had had his attention directed to this matter by complaints coming from Toronto, Hamilton, Ottawa and other large cities regarding the operations of the coal rings in these places. Complaints were also common with regard to unfair combinations which were said to exist among the insurance companies and certain manufacturers and wholesale dealers. The special committee was to prosecute an inquiry in order to ascertain to what extent these combinations existed, and, also, to discover in what manner and to what extent they affected the interests of the general public. Mr. Wallace's motion prevailed and the committee was appointed, with that gentleman as Chairman. The inquiry, which was thorough and exhaustive, clearly established the existence of some of the combinations complained of, notably among coal dealers, insurance companies and wholesale dealers in sugar, the last being known as the "Wholesale Grocers' Guild." When the committee concluded its investigations and had reported to Parliament, Mr. Wallace introduced a measure to suppress combines. It was then, however, too late in the session to expect the measure to become law, and he announced that he would reintroduce it, or a measure to the same purpose, when Parliament again met. Early in the late session Mr. Wallace accordingly introduced an "Act for the Prevention and Suppression of Combinations formed in Restraint of Trade." It need not be matter for surprise that such a measure should provoke active opposition on the part of interested parties. Mr. Wallace and Mr. Guillet, who had actively and earnestly seconded his efforts, pressed the bill forward, being not a little encouraged and assisted by the expressions of sympathy and approval, forwarded through your committee, by various labor bodies. As an instance of the heartiness of the approval given to the bill by the labor organizations we give the following letter from D. A. 125, Toronto:

Toronto, February 11, 1889.

*R. R. Elliot, Esq., Chairman Canadian Legislative Committee, Knights of Labor:*

DEAR SIR AND BROTHER:—At a meeting of D. A. 125, held at Toronto on the 8th inst., the following resolution was passed, which explains itself:

*Resolved*, That this District Assembly approves the principle of the bill introduced by Mr. N. C. Wallace, M. P., for the suppression of trusts and combines, and hereby urges the Canadian Legislative Committee of our Order to use its best endeavors to secure the passage of the said bill, with such amendments as may be necessary to improve its efficiency.

With best wishes I am yours fraternally,

R. GLOOKLING,  
Secretary-Treasurer D. A. 125.

[SEAL]



Hand-in-hand Assembly, No. 5743, of Toronto, wrote congratulating Mr. Wallace upon the progress he had made in his purpose of suppressing combines. Secretary Gilmour of L. A. 2305, Toronto, sent a resolution indorsing, among others, the Combines Bill. Brother George Dower, Secretary of the Toronto Trades and Labor Council, also sent a resolution of that body in support of the bill. Many others were also received.

On receipt of these communications your committee deemed themselves more than ever bound to do everything in their power to secure the enactment of the measure, and we continued our labors in its behalf throughout the entire session, with the result that very many members of the House were induced to support it who had previously been prejudiced against it. After the principle of the bill had been approved by the House, a motion was made to refer it to the Committee on Banking and Commerce. It was thought by many that such a reference would be equivalent to burking the measure—and there is little doubt that such was the intention—a belief in which its promoter evidently shared, as he vigorously protested against it, urging that as the bill was based on the report of the special committee, which had heard all the evidence that could possibly be presented before the Committee on Banking and Commerce, the proposed reference was unnecessary. In spite of Mr. Wallace's protest, the motion to refer prevailed.

Your committee is desirous, wherever such a course is possible, in the faithful discharge of our duty, to avoid imputing improper motives to members, but we cannot avoid saying here that it seemed only too evident that although a fear of the consequences to their political future deterred them from voting against a measure so evidently popular, yet a number of members would not have objected to allow the burking of the measure in such a way as to protect their own popularity.

Although Mr. Wallace had good grounds to fear that the bill would either be emasculated by the Banking and Commerce Committee or so delayed as to make its passage before the close of Parliament impossible, he did not relax his efforts, but actively championed his measure before the committee.

When referred to the Banking and Commerce Committee the bill read as follows:

*AN ACT for the Prevention and Suppression of Combinations formed in Restraint of Trade.*

WHEREAS, It is expedient to declare the law relating to conspiracies and combinations formed in restraint of trade, and to provide penalties for the violation of the same: Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, declares and enacts as follows:

1. Every person who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company, unlawfully:

- (a) To limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be a subject of trade and commerce; or
- (b) To restrain or injure trade or commerce in relation to any such article or commodity; or
- (c) To prevent, limit or lessen the manufacture or production of any such article or commodity, or to enhance the price thereof; or
- (d) To prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property:

Is guilty of a misdemeanor, and liable, on conviction, to a penalty not exceeding \$4,000 and not less than \$200, or to imprisonment for any term not exceeding two years; and, if a corporation, is liable, on conviction, to a penalty not exceeding \$10,000 and not less than \$1,000.

Among the active opponents of the bill were the members of the Grocers' Section of the Toronto Board of Trade, practically the Wholesale Grocers' Guild. This body engaged the services of B. B. Osler, Esq., one of the ablest lawyers in the Dominion, to appear for them before the committee; and it is but just to this gentleman to say that the interests of his clients were faithfully looked after, and that, but for the watchfulness of the friends of the bill, including the Chairman of your committee and Brother A. W. Wright, who happened to be in Ottawa at the time, it would have been made much less unsatisfactory to the sugar ring.

When the bill was reported by the Committee on Banking and Commerce it was, as its friends had feared, too late to allow of its passage before the close of the session, if it were allowed to take its chance with other bills introduced by private members. Mr. Wallace, however, succeeded in obtaining the consent of the government to have it placed on the order paper among government bills, thus insuring that it must be dealt with before the close of the session. Although consenting to give the measure this favorable position did not make it a government measure, or in any way commit them to its support, yet, in the nature of things, it materially strengthened its prospects, as, to some extent at least, it impressed the government side of the House with the belief that the cabinet was at any rate not hostile to it.

The bill as it was reported by the Committee on Banking and Commerce had the following three clauses added:

2. In any prosecution under this act, the person accused shall be a competent witness on his own behalf.

3. Section 140 of the Criminal Procedure Act is hereby amended by adding to the list of offenses therein mentioned the offenses provided against in this act.

4. Where an indictment is found against any person for offenses provided against in this act, the defendant or person accused shall have the option to be tried before the judge presiding at the court at which such indictment is found, or the judge presiding at any subsequent sitting of such court, or at any court where the indictment comes on for trial, without the intervention of a jury; and in the event of such option being exercised, the proceedings subsequent thereto shall be regulated in so far as may be applicable by the Speedy Trials Act.

Sections 2 and 4 were added at the suggestion of Mr. Osler. Mr. Wallace, however, announced that, while he would accept them rather than jeopardize the passage of the measure, he would consider himself at liberty to endeavor, when opportunity offered, to restore the bill to its original efficiency.

As an evidence of the watchfulness of the enemies of labor for opportunities to injure labor organizations, it may be well to here refer to an incident that occurred while the bill was before the Banking and Commerce Committee: Mr. Lister, the member for West Lambton, a lawyer and a member of the committee, moved to strike out the word "unlawfully" in the first section, arguing very artfully that it was unnecessary, and that its presence might cause confusion and uncertainty in the courts. Brother Wright, at our request, obtained permission to address the committee, and pointed out that the Trade Union Act gave to members of labor organizations *lawfully* the right to combine for purposes which might be construed as being in restraint of trade; but this measure, if amended as Mr. Lister desired, would take from them this right, as then the fact that their act was legal could not be pleaded in their behalf. Mr. Lister endeavored to dispute this; but Sir John Thompson, the Minister of Justice, indorsed Brother Wright's contention, and Mr. Lister's amendment was defeated.

After the bill had been reported by the Banking and Commerce Committee, and

while it was in Committee of the Whole prior to its final reading, Mr. Wallace discovered what had hitherto escaped attention: that, owing to the wording of the defining clause of the Trade Union Act, it would be possible for members of combines, by colorably constituting themselves trade unions, to evade the operation of the law. He accordingly introduced another section, as follows:

The foregoing provisions of this act shall not apply to the exercise of any handiwork, or to the performance of any labor, but, subject to such exception, they shall be construed as if Section 22 of the Trade Union Act had not been enacted.

As thus amended, the act passed its third reading and was sent to the Senate.

At this stage a number of prominent members of labor organizations in Toronto took alarm, under the belief that, as it stood, the act would deprive labor bodies of the rights given them by the Trade Union Act and make them liable to the penalties of Mr. Wallace's bill. Your committee was in communication with Mr. Wallace on the subject and was assured by him that these fears were entirely groundless, and that the section which had been quoted as cause for alarm fully protected labor organizations from the danger anticipated. He stated that before offering the section in committee he had submitted it to both the Law Clerk of the House of Commons, Dr. Wilson, and to the Minister of Justice, Sir John Thompson, and that he had the opinion of both these gentlemen—the highest legal authority in the Dominion—that the section, while it would accomplish the object aimed at (the suppression of rings and combines), would in no way jeopardize the position of labor bodies or deprive them of any of the protection which had been given them by the Trade Union Act. Your committee also consulted several leading barristers who were not members of the Commons, and they all agreed in the opinion of Dr. Wilson and Sir John Thompson.

Whether it was because the attention of the Senate had been directed by the agitation in Toronto to Mr. Wallace's effort to place labor combinations in a more favorable position than trade combinations your committee cannot say; but, at all events, the Senate struck out the words which Mr. Wallace had placed in the section for the purpose of making it clear that the act did not apply to labor organizations. It is but fair to say that Hon. Mr. Abbott, the leader of the Senate, gave as the reason for striking out the words that they were unnecessary for the purpose intended, and that labor organizations would still have the protection of the act passed for their benefit. The Chairman of your committee also communicated with the Premier on the subject, and was informed by that right honorable gentleman that as the act only applied to "unlawful" combinations, and labor combinations being lawful by act of Parliament, our rights could not be interfered with by the new act.

Mr. Wallace preferred to accept the amendment of the Senate rather than suffer the bill to lie over for another year, which was his only alternative, and the bill accordingly became law.

Although in the face of the assurance of the highest legal authority in Canada and of the statement of the government leader of the Senate, a gentleman of undoubted standing as a jurist, your committee could not doubt that the bill, as finally passed, did not prejudicially affect organized labor, yet they could not be blind to the danger of magistrates and other subordinate tribunals interpreting the law in the very way in which the Minister of Justice and other high legal authorities said it should not be interpreted. Especially did they feel that there was reason to fear this at the hands of subordinate tribunals, with only an imperfect knowledge of the law and a limited experience in its interpretation, as a case had just occurred in which the County



Judge of the County of Wentworth had construed the Conspiracy Law in such a way as to astonish some of the best legal authorities in the country. Of course, there would be the remedy of an expensive appeal, but your committee felt it to be their duty to use every effort to obtain an authoritative assurance from the Minister of Justice. Accordingly we waited upon the minister and stated that we were desirous of not only obtaining from him an authoritative opinion as to the scope of the law, but permission to use his opinion. We then stated the case as follows:

1. It is held by some that the act of last session, 52 Victoria, Chapter 41, intituled "An Act for the Prevention and Suppression of Combinations formed in Restraint of Trade," will have the effect of destroying the protection given to trade unions of workmen by the Trade Union Act.

2. Even if this be not the case, there is danger that subordinate tribunals before whom workingmen may be arraigned may place such interpretation upon it.

In answer to the first Sir John said such was not his opinion; that the act was not intended to apply and did not apply to labor organizations.

In answer to the second he said that in such case he would consider it the duty of his department to intervene in the proceedings if necessary, in order to have a decision of the highest legal authority on the true interpretation of the act and to prevent the real intention of Parliament from being frustrated.

The effect of this is, first, that we have an authoritative statement of the highest legal authority in the Dominion in our favor should an attempt be made to invoke the Combines Bill against a labor organization or against any of its members; and, second, that, if through ignorance or prejudice any court shall misinterpret the law to the prejudice of members of a labor body, all the cost of the necessary appeals will be borne by the government.

#### THE TRADE UNION ACT.

Your committee would recommend that the next Canadian Legislative Committee should endeavor to have such amendments made to the Trade Union Act as will clearly define the right of workingmen, not only individually, but in their collective capacity as members of an organized body, to refuse to work for or with any persons, as it was the indefiniteness of the law in this respect that led to the remarkable charge of the Judge of the County Court of the County of Wentworth previously referred to, and as a consequence to the finding of the jury against the accused. During the session we drew the attention of the Premier and Sir John Thompson to the case and discussed the matter fully with them. We also obtained a certified copy of the evidence taken during the trial and a copy of the judge's charge, and placed them in the hands of the Minister of Justice that he might become fully conversant with all the details of the case. Although the accused had been found guilty their sentences had not been pronounced, and it was, therefore, useless to ask for an interference in the case at that stage; but we made all necessary arrangements in order to apply for executive clemency in the event of anything more than a merely nominal punishment being inflicted. Fortunately, for a reason which we are not in a position to explain, the sentence imposed was much lighter than we had reason to anticipate from the remarks of the trial judge. So nominal was it, indeed, that it was entirely unnecessary to ask interference. In this connection it is our simple duty to tender our hearty thanks to Messrs. Adam Brown and Alexander McKay, the members representing the city of Hamilton, not alone for their sympathy, but for their active and energetic assistance throughout in this matter. They were ever



ready, and at times at much inconvenience to themselves, to do anything that was asked of them, and we were aided much by their wise counsel.

As a result of our frequent interviews with the Premier and the Minister of Justice, we believe they were both impressed with the justice of an amendment such as we have alluded to, and that they are prepared to facilitate its passage.

A bill having this object in view was introduced toward the close of the session by Dr. Wilson of Elgin, but, owing to the looseness with which it was drawn and the fact that its introduction was delayed by its promoter till such a time that it could not possibly pass during that session, it was not seriously entertained.

#### AN IMMIGRATION BILL.

A draft of a bill was received by us from Sub-D. A. 2, Montreal, which provided for the levying of a fee of \$5 per head on every immigrant to this country, the funds derivable from this source to be applied to the relief of persons who had come to Canada and who had fallen into needy and destitute circumstances. We placed the bill in the hands of Brother Lepine, member from Montreal East, who, as one of the representatives of that city, and one who had been elected as the especial representative of labor, was entitled to have charge of it. On considering it we found that it was a copy of a bill which had been introduced into the Congress of the United States, and, having been drafted to suit the institutions of that country, it was unsuited in several respects to those of Canada. As an instance of this we may point out that the bill imposed upon the Finance Department the duty of administering it, instead of the Department of Agriculture, as required by the governmental arrangements in this country. Brother Lepine took charge of the bill, promising to see the officers of Sub-D. A. 2 the following day and to explain to them the nature of the changes required and obtain their consent to them. Some six weeks later we were very much surprised to learn from the General Secretary-Treasurer that Sub-D. A. 2 had complained to him that they had heard nothing concerning their bill since sending it to us. We immediately called upon Brother Lepine and found that he had never either consulted with them or written them on the subject of the bill, and we at once sent an explanation to Brother Lauer, Secretary of the District, since which time we have heard no further complaint touching the matter.

#### THE SAFETY OF SHIPS BILL.

At the earliest opportunity your committee interviewed the Minister of Marine and Fisheries concerning the introduction of a bill providing for greater protection for and the safety of ships. We asked him to present to Parliament a bill making the sending of unseaworthy ships to sea a criminal offense, and providing for the inspection of hulls and rigging and the placing of a load line on all vessels. The honorable gentleman informed your committee that he had been making inquiries into the matter of a plimsoll line. The system in vogue in Great Britain, which had been recommended the previous year, could not be made to work satisfactorily in this country owing to the large number of ports and the large expenditure which it would involve. In each of the ports there is an inspector and a board of three, whose duty it is to inspect each vessel and ascertain its capacity and condition, after which they place a mark on her hull to denote the depth to which she may be loaded. Should the owners feel aggrieved and appeal against the decision and secure a change, they are entitled to damages for any delay or detention of their vessels pending the settlement of their appeal. To carry out such a system in Canada would entail an

outlay of upward of half a million dollars annually for ordinary expenses; not to speak of the damages to which we have alluded. The minister hesitated to adopt so expensive a system and pointed out that its great expense would always be a weak point and subject to attack from its enemies. We recommended that inspectors be appointed for the Upper Lakes—the vessels of the maritime Provinces being already provided with the British load line—to whom would be allotted districts, and within those districts they should inspect the hulls and rigging of sailing vessels and place a line on their hulls in such a position as to allow of two and one-half inches of free-board for every foot of draft. We pointed out that this would be an easy solution of the problem and a simple plan to carry out. The minister expressed his pleasure at the suggestion, and, after consideration, said he believed his department already had power to provide such machinery, but in the pressure of Parliamentary business to which they were then compelled to devote their attention it would be impossible to investigate the matter fully at that time. He promised that during the recess the government would have the matter carefully considered, with a view to deciding whether to ask Parliament either for additional legislation or an appropriation in order to carry out a scheme on the lines suggested. We asked the minister in that case to introduce a bill making it a criminal offense to send unseaworthy or insufficiently-manned or overloaded, insufficiently or improperly-loaded vessels to sea. To this the minister consented, and the following bill was introduced:

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This act may be cited as the "Shipping and Cargoes Amendment Act, 1899."

2. In this act the expression "grain" includes corn, wheat, rye, barley, peas and all other grain except oats; and the expression "grain cargo" means a cargo of which the portion consisting of grain is more than one-third of the registered tonnage of the ship carrying it; and such third shall be computed, where the grain is reckoned in measures of capacity, at the rate of 100 cubic feet for each ton of registered tonnage; and where the grain is reckoned in measures of weight, at the rate of 2 tons weight for each ton of registered tonnage.

#### UNSEAWORTHY SHIPS.

3. Section 6 of Chapter 77 of the Revised Statutes of Canada is hereby repealed and the following substituted therefor:

"6. Every owner, managing owner, agent or other person who sends or attempts to send or is a party to sending a ship, registered in Canada, to sea or on a voyage on any of the inland waters of Canada, or on a voyage from any port or place on the inland waters of Canada to any port or place on the inland waters of the United States, or on a voyage from any port or place on the inland waters of the United States to any port or place on the inland waters of Canada, in such unseaworthy state that the life of any person is likely to be endangered thereby, or by reason of overloading or underloading or improper loading, or by reason of being insufficiently manned or from any other cause, is guilty of a misdemeanor, unless he proves that he used all reasonable means to insure her being sent to sea or on such voyage in a seaworthy state, or that her going to sea or on such voyage in such unseaworthy state was, under the circumstances, reasonable and justifiable; and for the purpose of giving such proof, the owner, managing owner, agent or other person may give evidence in the same manner as any other witness:

"2. Every master of a ship registered in Canada, who knowingly takes the same to sea, or on a voyage on any of the inland waters of Canada, or on a voyage from any port or place on the inland waters of Canada to any port or place on the inland waters of the United States, or on a voyage from any port or place in the United States to any port or place on the inland waters of Canada, in such unseaworthy state that the life of any person is likely to be endangered thereby, or by reason of overloading or underloading or improper loading, or by reason of being insufficiently manned or from any other cause, is guilty of a misdemeanor, unless he proves that her going to sea or on such voyage in such unseaworthy state was, under the circumstances, reasonable and justifiable; and for the purpose of giving such proof, he may give evidence in the same manner as any other witness:

"3. No prosecution under this section shall be instituted except by or with the consent of the minister:

"4. A misdemeanor under this section shall not be punishable upon summary conviction."

#### DECK LOADS.

4. Sub-section 1 of Section 7 of the said act is hereby amended by striking out the words "port in Canada to any port in Europe," in the third line thereof, and inserting the words "port or place in Canada to any port or place out of Canada, not being a port or place in the United States, Newfoundland, St. Pierre, Miquelon, the West Indies or South America," in lieu thereof:

2. Sub-section 3 of the said Section 7 is hereby amended by inserting the words "or South America" after the words "West Indies" in the fourth line of the said sub-section.

#### GRAIN CARGOES.

5. No grain cargo shall be carried on board any ship registered in Canada, unless such grain cargo is contained in bags, sacks or barrels, or properly secured from shifting by boards or otherwise:

2. If shifting boards have not been used, or other proper precautions to prevent a grain cargo from shifting have not been taken, in the case of any ship registered in Canada and laden with a grain cargo, the master of the ship, and any agent of the owner who was charged with the loading of the ship or the sending her to sea, shall each be liable to a penalty not exceeding \$1,000, and the owner or managing owner of the ship shall also be liable to the same penalty unless he shows that he took all reasonable means to enforce the observance of this section and that he was not privy to the breach thereof.

6. When any ship registered in Canada arrives at her port of discharge in Canada with a grain cargo, any Customs officer may proceed on board and, when practicable, examine into the manner in which the cargo was stowed; and every person in charge of such ship, at the time of the examination, shall render such officer all reasonable assistance; and every person who impedes or obstructs such officer, or attempts to prevent or refuses to permit his making such examination, or who being in charge of the vessel refuses to render such officer reasonable assistance in making such examination, shall for each offense incur a penalty not exceeding \$200.

7. Penalties under either of the two sections next preceding may be recovered upon summary conviction.

8. In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship that the owner of the ship and the master, and every agent charged with the loading of the ship, or the preparing thereof for sea, or the sending thereof to sea, shall use all reasonable means to insure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the same; *provided*, that nothing in this section shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state, where, owing to special circumstances, the so sending thereof to sea is reasonable and justifiable.

9. Nothing in this act contained shall be deemed to modify or affect in any way the provisions of the Acts of Canada, 34 Victoria, Chapter 33, intituled "An Act to Provide for the Appointment of a Port Warden for the Harbor of Quebec;" 36 Victoria, Chapter 11, intituled "An Act to Amend the Acts relating to the Port Wardens at Montreal and Quebec;" and 45 Victoria, Chapter 45, intituled "An Act to Amend and Consolidate the Acts relating to the Office of Port Warden for the Harbor of Montreal;" or of Chapter 85 of the Revised Statutes of Canada, intituled "An Act respecting Port Wardens;" but the provisions hereinbefore contained shall, as respects the ports to which the said acts respectively apply, be construed as enacted in addition to and not in derogation of the said acts.

10. The foregoing provisions of this act shall come into force on the first day of January, 1890.

The bill was violently opposed by the ship-owners in all parts of the country, and many deputations waited upon the minister to argue against its provisions; and, in relation to these, your committee frequently called upon the honorable gentlemen to discuss the opposing arguments. The bill was strongly opposed in Parliament also by such members as were ship-owners, or represented owners rather than their constituents. Notwithstanding this opposition, however, the government stood determined by the bill and forced it through the House, in spite of all efforts to the contrary by our opponents.

## AUTOMATIC GUARDS FOR ELEVATORS.

Mr. Madill, member for North Ontario, introduced a bill to compel all persons using elevators or hoists to cause to be placed on them, on each flat, an automatic guard, with a view to the prevention of accidents; and providing that neglect should be punishable by a fine not exceeding \$100 nor less than \$10. The bill was referred to a special committee for consideration; and when the committee met, your committee was present and urged the enactment of the law asked for, pointing out the numerous fatalities which had occurred through accidents which would have been prevented had proper guards been placed on the elevators. Hon. David Mills, a member of the committee to whom the bill had been referred, claimed that the bill was *ultra vires* of the Dominion Parliament, it being a matter entirely within the purview of the Provincial Legislatures. Sir John Thompson expressed a similar opinion, and the bill was therefore dropped.

## A BILL TO PROTECT THE WAGES OF RAILWAY CONTRACTORS' EMPLOYEES.

On February 20, Mr. Purcell, member for Glengarry, introduced a bill in which was contained provisions that any railway company may stipulate, in its contracts with contractors, that the contractor shall pay his employees monthly, weekly or daily, according to the terms of agreement made with them. The company making such stipulation shall from time to time ascertain whether the employees are receiving their wages as agreed, and, in case they find that default has been made, they shall withhold final settlement with the contractors until such time as the arrears of wages have been paid; and if the company make a final settlement with the contractors, it shall become liable for any arrears of wages remaining unpaid to the employees.

There was a strong contention by many members that the Dominion Parliament has no jurisdiction in the matter, as it was claimed that the bill dealt with contracts and civil rights; and it was, therefore, impossible to get many members to favor the passage of the bill. There was also the objection that contracts were frequently let and sub-let a number of times, and it was difficult to draft a bill that would enable the railway companies to follow the sub-lettings and give them the desired control over parties who were not responsible to them and over whom they had no jurisdiction. On the other hand, it frequently happens that the contractor is a wealthy man and the company is practically worthless beyond the ownership of the charter; and, in such a case, a law that enabled them on mere complaint that wages had not been paid to refuse settlement might easily serve as a cover to enable an impecunious company to retain improperly and use money which rightfully belonged to others. These were some of the objections which were raised to the bill—objections which were not provided against by its framer and promoter—and as a consequence the bill did not get beyond a second reading. The subject is one which requires to be thoroughly thought out, in order that all these objections, as well as others, may be provided against. We, therefore, commend it to the consideration of the next Canadian Legislative Committee.

Meanwhile your committee interviewed the government and requested them to place such restrictions in any government contracts which they may award in the future as will protect employees from being defrauded by the contractors. They seemed to look with favor upon the request, and we believe that it will be acted upon.



## EXAMINATION OF STATIONARY ENGINEERS.

On February 5, Mr. H. H. Cook, member for East Simcoe, introduced a measure providing for the examination and licensing of stationary engineers. This is a law that is much desired by the engineers of the Dominion and has been strongly urged by them, but, as it was not within the jurisdiction of the Federal Parliament, it was not pressed. Your committee would urge the various labor bodies in the several Provinces to ask the necessary legislation in this direction from their respective Legislatures.

## ASSISTED PASSAGES.

The question of assisted passages to emigrants from Great Britain has during the past eighteen months agitated the minds of some persons and bodies, in spite of the fact that the government had promised to discontinue the assistance complained of on April 27, 1887. It was claimed by some that the government did not keep its promise, but continued to aid a certain undesirable class of persons to come to Canada. With a view to learning the facts, your committee made a thorough examination into the records and found that assistance to immigrants was stopped on the above date and has not since been renewed.

## THE ROYAL LABOR COMMISSION REPORT.

At a late stage of the session the report of the Royal Labor Commission was presented to Parliament, delay having been occasioned by a disagreement between the representatives of organized labor and the other members on some minor matters, necessitating majority and minority reports. Both contain matter of the greatest value to those interested in the labor movement, as well as to statesmen who may be called upon to legislate from time to time for the improvement of the condition of the toiling masses. Recognizing the importance of having this report in the hands of every body of organized labor that the members might possess themselves of the information therein contained, your committee made application to Hon. M. Bowell, Minister of Customs and Acting Secretary of State, for a copy to be sent to each Assembly and each trade union affiliated with the Trades and Labor Congress, which request was cheerfully granted and the reports sent out by the departmental officials. The addresses of the trade unions were kindly furnished by Brother George Dower, Secretary of the Congress.

## THE SEAMEN'S AGREEMENT ACT.

The attention of your committee was directed to the Seamen's Agreement Act, in which is contained no provision whatever for an appeal or the issuance of a *writ of certiorari* after the conviction of a seaman by a justice of the peace. We considered the matter carefully, and came to the conclusion that the right to obtain a *writ of certiorari* would serve the purpose aimed at much better than an appeal, for obvious reasons. We then interviewed the Minister of Justice and pointed out the injustice of placing the liberty of the subject absolutely and without redress in the hands of a justice of the peace—an official frequently appointed for reasons altogether aside from any knowledge of the law or experience in the administration of justice which he might possess, and to whose mind a complaint is oftentimes tantamount to proof of guilt. We instanced the case of one brother who was arraigned, refused time to procure counsel and convicted on the most flimsy evidence imaginable. The minister recognized the force of our representations, and promised, though the session was

then well advanced, to submit the matter to his colleagues and endeavor to have the act amended so as to meet with our wishes and allow of the issuance of a *writ of certiorari* that the whole of the proceedings before a justice of the peace may be carried before a Superior Court Judge and by him reviewed and justice meted out. At a later period the minister sent for your committee and informed them that he found himself unable during the session to comply with our wishes through lack of time. He said, however, that so satisfied was he that the desired amendment should be made that it would be among the first matters which he would submit to his colleagues during recess for legislation at the next session. Convictions under this act had been rare, and the minister having satisfied us that no one would be allowed to suffer during the interim we consented to the delay. Since that time we have interviewed the Premier and Minister of Marine and Fisheries, and have been assured that both look favorably upon the proposed amendment.

#### FOREIGN CONTRACT LABOR.

The importation of foreign workmen under contract has engaged the attention of your committee, and we have urged upon the government the enactment of a law similar to the one now in force in the United States. While we are inclined to the opinion as the result of our interviews that it may be possible, perhaps at the next session, to obtain the enactment of a law forbidding the importation of foreign workmen under contract, yet such a law in Canada would be much less efficient as a protection to labor than it is in the United States, for the reason that, this being a portion of the British Empire, the law would not apply to contracts made in other parts of the Queen's Dominions. Even with this disadvantage your committee is of opinion that a Dominion law prohibiting, under a sufficiently severe penalty, the importation of alien workmen under a contract would be of great benefit to Canadian labor. The law of Ontario does not go far enough to be of any appreciable benefit, inasmuch as it imposes no penalty, but merely makes the carrying out of his contract optional on the part of the imported workman, while making it binding upon the employer. It is more than doubtful if any such law passed by one of the Provincial Legislatures could be anything more than illusory, for, of course, one Province cannot legislate to affect or forbid the making of contracts in another, and so aliens intended to work in Ontario, for instance, could be brought under contract to Quebec or some other Province by A, and then a contract could be made between them and B to work in Ontario. All these things being considered, your committee is of opinion that only a Dominion act could afford any real benefit, and we would recommend that our successors be instructed to continue our work in this direction.

#### PRISON LABOR.

Although the contract system has been discontinued in Dominion penitentiaries, yet, until a settled policy has been adopted for the future employment of convicts, it appears to your committee that free labor in Canada will never be rid of the danger of having to compete in the market with the product of prison labor. We have, therefore, urged upon the government, and especially upon the Minister of Justice, whose department has direct control of the matter, that a definite line of policy should be adopted, which, while it would not injure the health of prisoners, would have a tendency to have a moral and reformatory effect upon them, and make it more possible, when their terms expired, for them to become useful members of society, yet which would prevent the product of their labor coming into competition with the

product of free labor. The Minister of Justice and his colleagues spoken to on the subject freely admitted the correctness of the position taken by your committee, and said they would be but too happy to avail themselves of any assistance which the Knights of Labor might be able to afford them in finding a solution to a question at once so important and so difficult.

The Order has not as yet done more than enter its protest against the vicious system of renting out convicts to contractors, regardless of the consequences either to the convicts themselves or to the free labor that suffers from the unfair competition thus induced. Your committee would, therefore, urge that at the coming session of the General Assembly steps should be taken to define the Order's position and policy on this question in order that future Legislative Committees may be able to speak as to the views and desires of the whole Order.

#### THE PROTECTION OF FEMALE EMPLOYEES.

Although your committee is glad to believe that so far in Canada the evil does not exist to any appreciable extent, yet by reports from other countries, and through their knowledge of the conditions which sometimes exist in workshops and factories where women and girls are employed, they are convinced that it would be the part of wisdom at the present time to throw around female employes special legal protection against seduction by employers, superintendents and foremen, who, by reason of their power over them, may be in a position to unduly coerce them. We have, therefore, urged upon the Premier and the Minister of Justice the desirability of enacting legislation making it a criminal offense, punishable by severe penalties, for any employer, superintendent, overseer, foreman or other person exercising authority over a female employe to have illicit intercourse with such female employe, either with or without consent. The views of your committee seemed to meet with the approval of both gentlemen, who expressed themselves as favorable to such a measure, provided proper precautions were taken against the act being used for purposes of blackmail. We would, therefore, recommend that it be an instruction to our successors to press for legislation in the direction indicated.

#### CHILD LABOR.

During their term of office your committee has studied carefully the question of the employment of children in factories and shops, and we are strongly of the opinion that more work should be done in this connection by the labor bodies of the Dominion. Laws relating to this subject being *ultra vires* of the Dominion Parliament, efforts should be made to induce the Legislatures of the several Provinces to pass stringent laws with a view to curing the evils which exist. The Ontario Act, though a step in the right direction, does not go sufficiently far, and we would suggest that efforts be made to have the minimum age placed at fourteen instead of twelve years. The act, we believe, is working well, and its provisions, on the whole, are being carried out faithfully, especially in Central Ontario, which is under the supervision of Brother James R. Brown. Complaints have been made in some districts, but none, so far as we are aware, in Brother Brown's.

#### TAXATION.

Your committee is of the opinion that labor organizations should throw their influence in favor of having the incidence of taxation fall more heavily upon land and less upon improvements. This is, of course, a provincial matter, not coming within the purview of the Dominion Parliament, and it is to the Local Legislatures that we

must look for legislation. A great deal of work remains to be done herein, and, this being a practical question, it is obviously one to which labor bodies may legitimately devote their best energies.

#### EMPLOYERS' LIABILITY.

In the report of the Royal Labor Commission is a paper recommending a system of insurance for employees injured by machinery. Your committee, while admitting that there is much to be said in favor of the plan outlined so elaborately, is of the opinion that a system might be adopted by and within our Order which would be more satisfactory, in that it could be more successfully worked, and would be less liable to vexatious and oftentimes uncertain legislation.

#### AN ANNUITY SYSTEM.

A member of the Labor Commission, Brother Jules Helbronner, contributes an interesting paper to the report of that body, in which he outlines an annuity system and makes several other valuable suggestions which we commend to the consideration of Knights of Labor everywhere. He says: "Though encouragement to working people to deposit their surplus earnings in the Postoffice and Government Savings Banks has been productive of incalculable good, it is believed that still greater good would be accomplished were Parliament to create an annuity system, under which working people and others might make provision for old age by periodical or occasional payments of small sums. Such a system has been found practicable in France, and there is no reasonable doubt that it would be quite as practicable here. It would remove from many the fear of dependence upon relatives or upon charity in their declining years, and it could be managed without expense to the government." While it would be useless to hope for the adoption in the near future of a system such as that suggested by Brother Helbronner, yet it might be well were the whole subject thoroughly considered by the Order, so that we might educate ourselves on the subject with a view to future legislation.

#### BOARD OF ARBITRATION AND BUREAU OF LABOR STATISTICS.

Among the subjects the importance of which were pressed upon the government by your committee were those of the appointment of a Board of Arbitration to mediate in strikes and the establishment of a Bureau of Labor Statistics. These were discussed at great length with the Premier, the Minister of Justice and others, and a plan was presented which we have reason to think will receive favorable consideration and result in legislation on the subjects at the next session of Parliament.

#### THE RECOVERY OF DEBTS.

Your committee would call attention to the anomaly which exists in Ontario governing the recovery of debts. It seems very unreasonable, not to say unjust, that a man may be sent to prison because he owes and fails to pay a small sum, while he who owes a large amount may go scot-free. We believe that the laws covering these matters should be made uniform. If it is right that the poor man should be imprisoned, it is manifestly unjust that the rich man should be differently treated. Conversely, if he who is indebted for a large sum is entitled to freedom, how much more should liberty belong to the man who owes an amount equal to but a hundredth part of his neighbor's liability. Here again the Provincial Legislature should be appealed to and the laws adjusted and placed upon a more equitable basis.



## A CONSISTENT MEMBER.

Previous to the last general elections our brethren in Oshawa, Ont., acting in conjunction with the other labor organization, submitted to the candidates in the constituency of South Ontario a series of pledges which they asked them to subscribe to, among which was one binding the candidates, if elected, to support on all occasions a proposition looking to the adoption of manhood suffrage throughout the Dominion. Both pledged themselves, and both became equally entitled to the support of the workingmen of the town. Not until the last session, however, did an opportunity arise for putting to the test the good faith of the successful aspirant. The government brought down several amendments to the Franchise Act, and, while the House was considering one of the sections, a motion of want of confidence in the shape of a proposition for manhood suffrage was introduced by a member of the opposition, which the government had declared itself unable to accept at present on account of the determined opposition to it of one of the Provinces. As a party man, elected to support the government, it was Mr. Smith's duty to his party to vote against the motion of want of confidence; but, remembering his pledge to the workingmen of Oshawa, he withstood the powerful pressure of the party whips and members of the government and voted according to his promise and against the government. We deem it our simple duty to thus record Mr. Smith's faithfulness to the labor bodies of his constituency, particularly in view of the fact that under such circumstances there are very few party men who remember their pledges to workingmen, and when we find one we think his act should not go unnoticed.

## THANKS.

In conclusion, your committee begs to place on record their gratitude to Messrs. John Ferguson of Welland, Alex. McKay and Adam Brown of Hamilton, N. C. Wallace of West York, Wm. Smith of South Ontario, Frank Madill of North Ontario, George Taylor of South Leeds, U. Wilson of Lennox, James Stevenson of Peterboro, Dr. Wilson of Elgin, James Trow of South Perth, J. J. Curran of Montreal Centre, R. R. Cockburn, John Small and F. C. Dennison of Toronto, and Thomas Bain of Wentworth—all members of Parliament—for services rendered and courtesies extended, which served to lighten our labors and render them efficient.

All of which is respectfully submitted,

ROBERT R. ELLIOT, *Chairman*,  
W. R. JAMES,  
O. D. BENOIT, *Secretary*,  
*Canadian Legislative Committee.*



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